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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/645,073	05/13/1996	MAKOTO YOSHIOKA	1046.1133/JD	4943

21171            7590            05/19/2003

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WASHINGTON, DC 20001

[REDACTED] EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
08/645,073

Applicant(s)

Makoto, Yoshioka et al.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Feb 24, 2003
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims
- 4)  Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-25 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: \_\_\_\_\_

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**DETAILED ACTION**

**RESPONSE TO AMENDMENT**

1. This Office action is in response to Applicant's amendment filed on 02/24/2003.
  
2. Claims 1-25 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yamauchi et al. (U.S. Pat. No. 5,613,109) in view of Min (U.S. Pat. No. 5,175,716).

As per claims 1, 3, 6, 9, 10, 11, 12, 15, 16, 17, 18, 19 and 20-25 Yamauchi substantially discloses a data reproduction that comprises a storage unit for storing element data or namely a CD-ROM (which is seen to read to read as Applicant's claimed invention wherein it is stated that a period reader reading an effective period stored on an individual self contained computer readable content medium, the content medium indicating the effective period of time during which a content on the content medium can be served);

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a comparator for judging data (see., abstract, col 3, lines 5-30). It is noted that Yamauchi fails to disclose that the judging data (or comparator or generator) is for judging present time that falls within the effective period time.

However, Min discloses a comparator for comparing the numbers of the tracks based on the a first time period and second time period [ or effective time period] (see., col 4, lines 22-40, col 5, lines 11-30). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the reproduction data of Yamauchi by including the limitations detailed above as taught by Min because such modification would detect the number of tracks (or store data) moved.

5. Claims 2, 4, 5, 7, 8, 13 and 14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Yamauchi et al. (U.S. Pat. No. 5,613,109) in view of Min (U.S. Pat. No. 5,175,716), and further in view of de Pommery et al. (U.S. Pat. No. 4,450,535).

**As per claims 2, 4, 5, 7, 8, 13 and 14** Yamauchi substantially discloses a data reproduction that comprises a storage unit for storing element data or namely a CD-ROM (which is equivalent to Applicant's claimed invention wherein it is stated that a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served);

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a comparator for judging data (see., abstract, col 3, lines 5-30). It is to be noted that Yamauchi fails to disclose that the judging data (or comparator or generator) is for judging present time that falls within the effective period time.

However, **Min** discloses a comparator for comparing the numbers of the tracks based on the a first time period and second time period [ or effective time period] (see., col 4, lines 22-40, col 5, lines 11-30). Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the reproduction data of Yamauchi by including the limitations detailed above as taught by Min because such modification would detect the number of tracks (or store data) moved.

**Yamauchi and Min** fail to disclose a locked content for locking area of the medium. However, de Pommery discloses a method/system for distribution of articles or services, wherein a LOCKF area for validating the content of the creation memory (see., col 6, lines 42-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Yamauchi and Min by including the locking content of de Pommery because such modification would provide prevent access to the medium.

#### **RESPONSE TO ARGUMENTS**

6. Applicant's arguments filed on 02/24/2003 have been fully considered but they are not persuasive.

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**REMARKS**

7. In response to Applicant's arguments, Applicant argues that the prior art of record do not teach or suggest alone or in combination: "time-based access to data, i.e., only allowing access to data for specific time period". Based upon the foregoing rejection indicated above, it is believed that Min discloses in col 4, lines 22-40, col 5, lines 11-30 that converting the detected time to the number of tracks after detecting time required to move current position of the compact disk, and obtaining a value of time from the practical number of moving tracks by means of comparing the numbers of tracks. Please note that the process of obtaining a value of time is readable as permitting or allowing access to data for a time period.

**CONCLUSION**

8. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Tuesday to Friday from 6:30AM to 5:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768.

**Any response to this action should be mailed to:**

Commissioner of Patents of Trademarks

Washington, D.C. 20231

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The Official Fax Number For TC-3600 is:

**(703) 305-7687**



Pierre Eddy Elisca

Patent Examiner

**May 15, 2003**